

Committee Room,
Austin, Texas, January 29, 1937.
Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 65, "An Act making an
appropriation of Nine Thousand
(\$9,000.00) Dollars, or so much
thereof as may be necessary, out of
any funds in the State Treasury not
otherwise appropriated, to the State
Tax Board to pay the expenses of the
supervisory staff of the State-wide
Tax Survey now being conducted in
this State as a Works Progress Ad-
ministration project, as approved by
House Concurrent Resolution No. 5,
passed by the First Called Session of
the Forty-fourth Legislature, and de-
claring an emergency."

Has carefully compared same and
finds it correctly enrolled.

HERZIK, Chairman.

TWELFTH DAY

(Monday, February 1, 1937)

The House met at 10:00 o'clock a.
m., pursuant to adjournment, and was
called to order by Speaker Calvert.

The roll of the House was called,
and the following Members were
present:

Mr. Speaker	Colquitt
Adkins	Davis of Haskell
Alexander	Davis of Jasper
Alsup	Davison of Fisher
Amos	Davisson
Baker	of Eastland
Bates	Dean
Beckworth	Deglandon
Bell	Derden
Blankenship	Dickison
Boethel	Dollins
Bond	England
Boyer	Farmer
Bradbury	Felty
Bradford	Fielden
Bridgers	Fox
Broadfoot	Graves
Brown	Hamilton
Burton	Hankamer
Callan	Hanna
Carssow	Harbin
Cathey	Hardin
Celaya	Harper
Cleveland	Harrell

Harris of Archer	Morse
Harris of Dallas	Newton
Harris of Dickens	Nicholson
Hartzog	Oliver
Heflin	Palmer
Herzik	Patterson of Mills
Holland	Patterson
Hoskins	of Travis
Howard	Petsch
Huddleston	Pope
Hull	Prescott
Hyder	Quinn
Jackson	Ragsdale
James	Reader
Johnson of Ellis	Reed of Bowie
Johnson	Reed of Dallas
of Tarrant	Rhodes
Jones of Angelina	Riddle
Jones of Atascosa	Roark
Jones of Falls	Ross
Jones of Wise	Russell
Keith	Rutta
Kelt	Settle
Kenyon	Sewell
Kern	Sharpe
King	Shell
Knetsch	Simpson
Langdon	Skaggs
Lankford	Smith of Hopkins
Lanning	Smith
Leath	of Matagorda
Loggins	Smith of Tarrant
London	Stevenson
Lucas	Stinson
Mann	Talbert
Mauritz	Tarwater
Mays	Tennant
McConnell	Thornberry
McCracken	Thornton
McDonald	Vale
McFarland	Waggoner
McKee	Walker
McKinney	Weldon
Metcalf	Winfree
Moffett	Wood
Monkhouse	Worley
Morris	

Absent—Excused

Cagle	Little
Fuchs	Powell
Gibson	Schuenemann
Keefe	Stocks
Leonard	Tennyson
Leyendecker	Westbrook

A quorum was announced present.

Rev. George W. Coltrin, Chaplain,
offered prayer.

LEAVES OF ABSENCE GRANTED

The following Member was granted
leave of absence on account of im-
portant business:

Mr. Leonard for today, on motion of Mr. James.

The following Members were granted leaves of absence on account of illness:

Mr. Westbrook for today, on motion of Mr. McKee.

Mr. Gibson for today, on motion of Mr. Wood.

Mr. Powell for today, on motion of Mr. Waggoner.

Mr. Leyendecker for today, on motion of Mr. Vale.

Mr. Little for today, and the balance of the week, on motion of Mr. Dean.

Mr. Cagle for today, on motion of Mr. Hardin.

Mr. Keefe for today, on motion of Mr. Lucas.

Mr. Stocks for today, on motion of Mr. Davis of Haskell.

Mr. Fuchs for today, and the balance of the week, on motion of Mr. Rhodes.

Mr. Schuenemann for today, on motion of Mr. Shell.

Mr. Tennyson for today, on motion of Mr. Harris of Archer.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Baker, Mr. Graves and Mr. King:

H. B. No. 368, A bill to be entitled "An Act abolishing the State Board of Barber Examiners, the State Board of Hairdressers and Cosmetologists and the State Board of Embalmers; repealing Sections 4, 5, and 6, Chapter 116, Acts of the Forty-fourth Legislature, Regular Session, Section 7, Chapter 116, Acts of the Forty-fourth Legislature, Regular Session, as amended by Chapter 469, Acts of the Forty-fourth Legislature, Second Called Session, Sections 26 and 27 of Chapter 65, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 62, Acts of the Forty-first Legislature, Second Called Session, Article 4576, Revised Civil Statutes of Texas, 1925, as amended by Chapter 324, Acts of the Forty-fourth Legislature, Regular Session, and all other laws and parts of laws in conflict with

the purposes and provisions of this Act; transferring to and conferring upon the State Board of Health all of the rights, powers, and duties heretofore conferred by law upon the State Board of Barber Examiners, the State Board of Hairdressers and Cosmetologists and the State Board of Embalmers; transferring all moneys in the General Revenue Fund heretofore appropriated to said Boards and all moneys deposited to the credit of the State Board of Cosmetologist Fund or the State Board of Barbers Fund to a special fund created by this Act to be known as the State Board of Health Fund; providing, however, that the moneys so transferred shall be expended only for the purposes for which such moneys were originally appropriated; making an appropriation of such moneys to the State Board of Health; declaring that the State Board of Health shall institute a system of Civil Service for its employees and defining its duties in that regard; providing that all the records and physical properties belonging to the Boards hereby abolished shall be transferred to the Board of Health; declaring the legislative intent that the provisions of this Act shall be severable, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Palmer:

H. B. No. 369, A bill to be entitled "An Act amending Article 2942, Revised Civil Statutes, 1925, by adding thereto a section to be known as Article 2942a by providing that upon petition of at least 8% of the qualified voters in any voting precinct, the Chairman of the County Executive Committee or any three members of such Committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

Referred to the Committee on Privileges, Suffrage and Elections.

By Mr. Oliver:

H. B. No. 370, A bill to be entitled "An Act granting to R. L. Gillespie permission to bring suit against the

State of Texas and/or the State Highway Department, and/or Angelina County, Texas, in the District Court of Shelby County, Texas, for damages sustained by reason of the injuries, pain and suffering, past, present and future, medical expenses, past, present and future, sustained by reason of the negligence of the employees of the State Highway Department and/or Angelina County, Texas, all to R. L. Gillespie; providing for place of venue; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit; recognizing the liability of the State of Texas and making appropriation for the payment of such judgment, if, as and when finally obtained; providing for the method of comprising and settling such claims, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Brown:

H. B. No. 371, A bill to be entitled "An Act providing that certain institutions of higher education in Texas, which are supported in whole or in part by funds appropriated by the Legislature of the State of Texas, shall offer instruction and research in graduate work, and defining the term 'graduate work', and limiting the course of instruction that shall be offered in all other state institutions of higher education in Texas of the senior rank to four years of standard college work, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Smith of Hopkins and Mr. Morris:

H. B. No. 372, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Worley:

H. B. No. 373, A bill to be entitled "An Act providing relief for the Briscoe High School County Line No. 2 of Wheeler County, Texas, in order to aid such school district in replacing building and equipment contained therein which was destroyed by a disastrous fire on December 31, 1936;

making an appropriation for said district, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Leath and Mr. Beckworth:

H. B. No. 374, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, by adding thereto three new Articles to be known as Article 4862c, 4862d and 4862e, said new Articles to provide that all insurance companies issuing or delivering any form of insurance policy in this State, which term shall include surety and fidelity and other forms of bonds written by insurance companies, other than fire, life, tornado, windstorm, hail, automobile, title and workman's compensation insurance policies, shall file with the commissioner its classification of risks and premium rates or schedules of rates; providing for the approval of the same; prohibiting the use of premium rates greater or less than those filed by and approved for it; providing for the manner in which the commissioner may determine the reasonableness and adequacy of rates; providing for the filing and approval of policy forms and endorsements; providing that nothing herein shall prohibit the operation of different types or classes of insurers; providing for experience and merit rating and the assessment and collection of a tax of three-fifths of one per cent on gross premiums for the administration of this Act; requiring the filing of statements of the settlement of losses within 15 days of the settlement thereof; directing the commission to take into consideration the investment operations as well as the under-writing operations of the company or companies in the fixing, determining, promulgating or approving of any rates, maximum rate or schedules of rates; declaring the public policy of this State with respect to the earnings of insurance companies from the combined underwriting and investment operations; defining what shall be the capital used in Texas business hereunder and the method of its calculation; authorizing the commission to fix and determine the maximum amount of the rate or premium that may be used for the whole or any part of the expense loading; . . . etc., and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Beckworth and Mr. Talbert:

H. B. No. 375, A bill to be entitled "An Act to prohibit manufacture, sale, barter or in any other manner, dispensing of beer, wine, liquor or any other drink or food containing alcohol in any amount, whatsoever, at any point within one thousand (1,000) feet of any part of any public school building in the State of Texas; defining 'any public school building'; fixing a penalty for the violation thereof, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Mann:

H. B. No. 376, A bill to be entitled "An Act amending Rule 47a of Article 4477, of Title 71, of the Revised Civil Statutes of the State of Texas, 1925, by repealing sub-paragraph six and twenty-five thereof, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Bell, Mr. Jones of Wise and Mr. Tennant:

H. B. No. 377, A bill to be entitled "An Act amending Section 6 of Article III of H. B. No. 8, Acts, Forty-fourth Legislature, Third Called Session, exempting from taxation any admission, all proceeds of which inure exclusively to the benefit of State, religious, educational or charitable institutions, organizations or societies, and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Jones of Angelina:

H. B. No. 378, A bill to be entitled "An Act making it unlawful to kill squirrels in Angelina and Tyler Counties, Texas, during the month of July; providing that this law shall be in force for a period of two years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Davis of Jasper:

H. B. No. 379, A bill to be entitled "An Act providing that no person, firm, association of persons or corporation, municipal or otherwise, engaged in the selling or distribution of electric current, gas or water shall make any charges for such services

except a charge based on the actual consumption of such utilities; providing that no meter deposit or rentals shall be charged except as provided in this Act; prescribing the deposit to be charged on meters used in connection with homes or residents; prescribing the deposit to be charged on meter used in connection with a commercial establishment; providing the rate of interest to be charged on such deposits; prescribing a penalty for the violation of this Act, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Waggoner:

H. B. No. 380, A bill to be entitled "An Act to amend the second paragraph of Section 1, of Article 8309, of the Revised Civil Statutes of the State of Texas of 1925, captioned 'Employee'; enlarging the scope of its meaning, and defining the same, and declaring an emergency."

Referred to the Committee on Labor.

By Mr. Petsch, Mr. Heflin, Mr. Amos and Mr. Thornton:

H. B. No. 381, A bill to be entitled "An Act amending Title 11, Chapter 6, Articles 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, Revision of 1925 so as to prohibit the buying and selling of pools or bookmaking on any horse race outside of an enclosure duly licensed by the Racing Commission of Texas, making certain prima facie evidence of a violation thereof, prohibiting the use of any property outside of an enclosure duly licensed by the Racing Commission of Texas for selling pools or bookmaking on horse races and providing what constitutes prima facie evidence of a violation thereof, prescribing necessary allegations of indictment for pool selling or bookmaking; prohibiting the furnishing of means of communication to persons using property other than an enclosure duly licensed by the Racing Commission of Texas for bookmaking or pool selling and providing what constitutes prima facie evidence of a violation thereof, providing penalties for the violation of the several sections of this Act, and declaring an emergency."

Referred to the Committee on State Affairs.

**HOUSE JOINT RESOLUTIONS ON
FIRST READING**

The following House Joint Resolutions, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Farmer, Mr. Johnson of Tarrant and Mr. Amos:

H. J. R. No. 30, Proposing an amendment to Section 1 of Article III, of the Constitution of the State of Texas, providing for the reservation to the people of the State of Texas certain powers of legislation, providing that they may initiate laws and amendments to the Constitution; and further providing for the reference of laws to the people to be voted on by the qualified voters of the State; providing for the methods to be used in elections of such character, and the method of presentation of such proposed laws and amendments to the Legislature; providing for the submission of this joint resolution to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. Farmer, Mr. Johnson of Tarrant, Mr. Tennant, Mr. Sewell, Mr. Derden and Mr. Amos:

H. J. R. No. 31, Proposing an amendment to Section Four (4) of Article VIII of the Constitution of the State of Texas, providing that the Legislature may exempt from taxation for a period not exceeding ten years all factories and industries for the manufacture of the raw products of Texas, making provision for holding the election, and providing an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

BILL RE-REFERRED

On motion of Mr. Jones of Wise, House Bill No. 180 was withdrawn from the Committee on Judiciary and referred to the Committee on State Affairs.

**ADDITIONAL SIGNERS OF
BILLS**

By unanimous consent of the House, the following Members were authorized to sign bills, as follows:

Mr. Keefe, House Bills Nos. 10 and 58.

Mr. Mann, House Bill No. 263.

Mr. Huddleston, House Bill No. 3.

Mr. Beckworth, House Bill No. 239.

**RELATIVE TO CONSIDERATION
OF CERTAIN MEASURES**

Mr. James offered the following resolution:

Whereas, The people of Texas, by constitutional amendment, adopted in 1935, laid upon the Legislature of Texas a solemn command to provide assistance for the aged men and women of this State; and

Whereas, Thousands of the aged of this State, many of them in the direst poverty, have never received assistance from the State; and

Whereas, Thousands who have qualified under the terms of the Texas Old Age Assistance Act of 1935, have received assistance for a short time and then been dropped from the rolls; and

Whereas, Additional thousands are being dropped from the assistance rolls every month and plunged back into the condition from which the people of Texas, by amending the Constitution, sought to deliver them; and

Whereas, The distress of the aged who have been denied relief, or deprived of it after receiving a few assistance checks, has been heightened by disappointment due to glowing promises made by candidates for Executive and Legislative positions, which promises have not been fulfilled; and

Whereas, The obligation of the Executive and Legislative branches of the State government, in regard to old age assistance was powerfully and succinctly stated by Governor James V. Allred in his message of September 28, 1936 as follows: "We must face the facts. The people voted the Old Age Assistance Amendment. The Legislature passed the present law, (meaning the Act of 1935) under direct mandate of the people. Each candidate for the governorship and practically every candidate for the Legislature publicly pledged themselves in the recent primaries to a program of adequately financing this old age assistance"; and

Whereas, The obligation above described is no less binding today than it was when the said message was delivered, no later vote of the people having released Executive and Legislative officers from such obligations; and

Whereas, In the course of the campaigns which resulted in the election of the present House of Representatives, the larger number of successful candidates pledged themselves to a liberalization of the then existing old age assistance Act and its administration; and

Whereas, That Act was properly described by Governor Allred in his campaign speeches as "one of the most liberal in the Union"; the Governor further declaring that "the needy old people of Texas have nothing to worry about" under his administration; and

Whereas, Instead of a more liberal law than the Act of 1935, or a more liberal interpretation of that Act, we now have both a deliberalized assistance and a deliberalized administration of such law; and

Whereas, In his message of last September the Governor estimated that the cost of administering the assistance law would amount to \$30,000,000.00 annually, and asked the Legislature to raise the State's half of this amount; and

Whereas, Even a slightly more liberal law than the Act of 1935 would necessitate the raising of perhaps \$20,000,000.00 annually to pay the State's share of old age assistance; and

Whereas, The so-called Omnibus Tax Bill passed by the last special session provides only \$8,000,000.00 for old age assistance; and

Whereas, Many evidences of excessive administrative costs have been made public from time to time, justifying the belief that if some check upon waste is not provided, an unduly large part of the \$8,000,000.00 annually made available by the Omnibus Tax Bill will go for administrative salaries and expenditures; and

Whereas, The suffering of aged people in all parts of the State, made keener by disappointment at failure of their public servants to keep promises of relief, has reached the point at which this Legislature is fairly confronted with the question of whether it will "regard the prayer of

the destitute and not despise their prayer"; now, therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature of Texas, That it is the sense of this House that the most important and immediate revenue problem confronting this Legislature is that of raising sufficient money to provide assistance for the aged people of this State on the liberal scale advocated by a majority of the successful candidates for Executive and Legislative positions in the campaigns of last year; and, be it further

Resolved, That this House give first consideration to measures imposing and allocating taxes for old age assistance, together with such changes in the existing Assistance Act as will make of it the sort of Assistance Act which the people demanded in the adoption of the Constitutional Amendment upon this subject and were promised in the campaigns resulting in the selection of the present Members of the House; and, be it further

Resolved, That the first \$12,000,000.00 annually of revenue to be raised by new taxes approved by this House should be allocated to old age assistance, being added to the \$8,000,000.00 annually provided by measures passed at the last special session.

JAMES,
JOHNSON of Ellis,
JOHNSON of Tarrant,
AMOS.

The resolution was read second time, and referred by the Speaker to the Committee on Rules.

Mr. James moved that the resolution be withdrawn from the Committee on Rules, and referred to the Committee on State Affairs.

Mr. Jones of Wise moved to table the motion by Mr. James.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—31

Baker	Celaya
Bell	Davis of Jasper
Blankenship	Dean
Bridgers	Hankamer
Broadfoot	Hartzog
Burton	Jones of Angelina
Carssow	Jones of Wise

Kenyon
Leath
London
McDonald
McFarland
McKinney
Metcalf
Monkhouse
Morris

Morse
Patterson
of Travis
Roark
Rutta
Shell
Stinson
Tarwater
Thornton

Nays—86

Adkins
Alsup
Amos
Bates
Beckworth
Boethel
Bond
Boyer
Bradbury
Brown
Callan
Cathey
Cleveland
Colquitt
Davison of Fisher
Davisson
of Eastland
Deglandon
Derden
Dickison
Dollins
Farmer
Felty
Fielden
Hamilton
Hanna
Harbin
Hardin
Harrell
Harris of Dallas
Harris of Dickens
Heflin
Herzik
Holland
Huddleston
Hull
James
Johnson of Ellis
Johnson
of Tarrant
Jones of Atascosa
Jones of Falls
Keith
Kelt

Kern
King
Knetsch
Langdon
Lankford
Lanning
Loggins
Lucas
Mann
Mauritz
Mays
McConnell
McCracken
McKee
Moffett
Newton
Oliver
Palmer
Patterson of Mills
Petsch
Pope
Prescott
Quinn
Ragsdale
Reader
Reed of Bowie
Reed of Dallas
Rhodes
Russell
Sewell
Sharpe
Simpson
Skaggs
Smith of Hopkins
Smith
of Matagorda
Talbert
Tennant
Vale
Waggoner
Walker
Weldon
Wood
Worley

Absent

Alexander
Bradford
Davis of Haskell
England
Fox
Graves

Harper
Harris of Archer
Hoskins
Howard
Hyder
Jackson

Nicholson
Riddle
Ross
Settle

Smith of Tarrant
Stevenson
Thornberry
Winfree

Absent—Excused

Cagle
Fuchs
Gibson
Keefe
Leonard
Leyendecker

Little
Powell
Schuenemann
Stocks
Tennyson
Westbrook

Question then recurring on the motion by Mr. James to refer the resolution to the Committee on State Affairs, it prevailed.

Mr. Farmer moved to reconsider the vote by which the motion by Mr. James prevailed, and to table the motion to reconsider.

The motion to table prevailed.

REQUESTING CERTAIN QUESTIONNAIRE OF THE SENATE

Mr. Hardin offered the following resolution:

Whereas, The House of Representatives adopted House Simple Resolution No. 51, by Bradbury requesting that each Member of the House file a statement in answering questionnaires as to whom they were receiving retainer fees from, or as to whether or not they received any monies outside of that of the salary of Representative, and if any received, whom received from; and

Whereas, The people of Texas have been very much dissatisfied with the progress of legislation in the past, and that there are much rumors over Texas as to various Members of the Legislature receiving retainer fees from corporations; and

Whereas, It would be more reasonable that a corporation would employ a Member of the Senate of Texas, as their Attorney, in preference to a Member of the House, since the Senate consists of only thirty-one (31) while the House consists of one hundred and fifty; and

Whereas, There is much pending legislation that vitally effects the interest of the masses of people in Texas; therefore, be it further

Resolved by the House of Representatives, That the Senate of Texas be requested to fill out questionnaires as to whether they are receiving re-

tainer fees from any corporation, and, as to how long they received such retainer fees, and that such sworn affidavits shall be a matter of public record.

HARDIN,
HUDDLESTON.

The resolution was read second time, and was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, February 1, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the following have been appointed under the provisions of H. C. R. No. 13:

Van Zandt, Rawlings and Spears.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 158 ON SECOND READING

On motion of Mr. Mauritz, the regular order of business was suspended, at this time, to take up and have placed on its second reading and its passage to engrossment,

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1927, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes;

requiring said assessor and collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

The bill was read second time.

Mr. Wood raised a point of order, on further consideration of House Bill No. 158, on the ground that the bill violates Section 10, of Article VIII of the Constitution.

The Speaker declined to rule the point of order, stating that the House could determine the matter by its vote on the bill.

Mr. Bradbury moved that further consideration of House Bill No. 158 be postponed until 10:00 o'clock a. m., next Wednesday.

Mr. Farmer moved to table the motion to postpone further consideration of House Bill No. 158.

The motion to table prevailed.

Mr. Bell offered the following amendment to the bill:

Amend Section 1 of House Bill No. 158 by inserting the following sentence after the second sentence in said Section and just preceding the last sentence therein:

"All taxes donated to the respective counties under the provisions of this Act may be used by the respective counties in the payment of obligations, if any, heretofore issued and incurred in the construction or the improvement of all roads, including State highways of such counties and districts therein; or the improvement of the roads comprising the county road system."

BELL,
ALSUP,
JONES of Wise,
HARTZOG.

Mr. Worley offered the following substitute for the amendment by Mr. Bell:

Amend House Bill No. 158 by adding after the word "building" in line 7, page 2, the following words, "or any other purpose not expressly prohibited by the Constitution."

The substitute amendment was adopted.

The amendment as substituted was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 158 by adding a new section to be known as Section 1A and reading as follows:

"Provided that where cities or other political sub-divisions in this State have heretofore received grants of ad valorem taxes for certain purposes and said cities or other political sub-divisions have issued bonds against said grants, that the grants under this bill shall continue to be used to retire such bonds and interest on such bonds until same are fully paid at which time the provisions of this bill granting ad valorem taxes to the county shall apply."

THORNTON,
KENYON.

Mr. Reed of Dallas offered the following substitute for the amendment by Mr. Thornton:

"Provided that when cities or other political sub-divisions in this State have heretofore received grants of ad valorem taxes for certain purposes, and said cities or other political subdivisions have issued bonds against said grants, that said grants shall be continued to be used to retire such bonds and interest on such bonds until the same are fully paid. Provided, however, in no event shall monies received by any county, city, or other political sub-division of the State continue longer than the five-year period heretofore provided in this bill.

"Provided, further, that the provisions of this Section shall apply in accordance with the general provisions of this bill if bond issues herein referred to are paid before the expiration of five years."

REED of Dallas,
TARWATER.

The substitute amendment was adopted.

The amendment as substituted was adopted.

Mr. Jones of Wise offered the following amendment to the bill:

Amend House Bill No. 158 by striking out in Section 1, the figures "1937" and substituting in lieu thereof the figures "1939".

On motion of Mr. Jones of Atascosa, the amendment was tabled.

Mr. McKee offered the following amendment to the bill:

Amend House Bill No. 158, Section 1 line 37 by inserting the word "diverted" after the word "donated."

McKEE,
NICHOLSON.

The amendment was adopted.

Mr. Mauritz asked unanimous consent to the House, to change the word "majority" to "number" in line 24, page 2.

There was no objection offered and it was so ordered.

Mr. Worley moved that House Bill No. 158, be set as a special order for 10:00 o'clock a. m., next Friday.

Mr. Hanna moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Lucas moved that the House recess to 2:00 o'clock p. m., today.

Question first recurring on the motion by Mr. Hanna, it was lost.

Question next recurring on the motion by Mr. Lucas, it was lost.

Mr. Jones of Atascosa moved the previous question on the passage of House Bill No. 158 to engrossment, and the motion was duly seconded.

Mr. Wood raised a point of order, on further consideration of the motion for the main question, on the ground that the bill has not been fully discussed in accordance with the provisions of the Constitution.

The Speaker declined to rule on the point of order, stating that the House would decide the matter by its vote on the previous question.

Question recurring on the motion for the main question, it prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 158 was then passed to engrossment by the following vote:

Yeas—83

Adkins
Alexander
Alsup
Baker
Bates
Bell
Boethel
Bradford
Broadfoot
Callan
Cathey
Carssow

Celaya
Cleveland
Davis of Haskell
Davis of Jasper
Dean
Deglandon
Derden
Dollins
Fielden
Hamilton
Hankamer
Harbin

Hardin	Oliver
Harper	Palmer
Harrell	Patterson
Harris of Archer	of Travis
Hartzog	Petsch
Herzik	Prescott
Holland	Quinn
Hoskins	Ragsdale
Howard	Reed of Bowie
Huddleston	Rhodes
Jackson	Riddle
Johnson of Ellis	Ross
Jones of Angelina	Russell
Jones of Atascosa	Rutta
Kelt	Settle
Kenyon	Sewell
Kern	Sharpe
King	Shell
Knetsch	Simpson
Lanning	Skaggs
Leath	Smith
London	of Matagorda
Lucas	Stevenson
Mann	Talbert
Mauritz	Tarwater
Mays	Thornton
McKee	Waggoner
McKinney	Walker
Moffett	Weldon
Morse	Winfree
Newton	

Nays—49

Amos	Jones of Falls
Beckworth	Jones of Wise
Blankenship	Keith
Bond	Langdon
Bradbury	Lankford
Bridgers	Loggins
Brown	McConnell
Burton	McCracken
Colquitt	McDonald
Davison of Fisher	McFarland
Dickison	Metcalfe
England	Monkhouse
Farmer	Morris
Felty	Nicholson
Fox	Patterson of Mills
Graves	Pope
Hanna	Reed of Dallas
Harris of Dallas	Roark
Harris of Dickens	Smith of Hopkins
Heflin	Smith of Tarrant
Hull	Stinson
Hyder	Tennant
James	Thornberry
Johnson	Wood
of Tarrant	Worley

Absent

Boyer	Reader
Davison	Vale
of Eastland	

Absent—Excused

Cagle	Little
Fuchs	Powell
Gibson	Schuenemann
Keefe	Stocks
Leonard	Tennyson
Leyendecker	Westbrook

MOTION TO TAKE UP HOUSE
BILL NO. 158

Mr. Mauritz moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 158 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—80

Adkins	Langdon
Alexander	Lanning
Alsup	Leath
Baker	London
Bates	Lucas
Bell	Mann
Boethel	Mauritz
Bradford	Mays
Broadfoot	McKee
Callan	Moffett
Cathey	Morse
Celaya	Newton
Cleveland	Nicholson
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Dean	Patterson
Deglandon	of Travis
Derden	Petsch
Dollins	Prescott
Fielden	Quinn
Hamilton	Ragsdale
Harbin	Reed of Bowie
Hardin	Rhodes
Harper	Riddle
Harrell	Russell
Harris of Archer	Rutta
Hartzog	Settle
Heflin	Sewell
Herzik	Sharpe
Holland	Simpson
Howard	Skaggs
Huddleston	Smith
Jackson	of Matagorda
Johnson of Ellis	Stevenson
Jones of Angelina	Talbert
Jones of Atascosa	Tarwater
Kelt	Thornton
Kenyon	Waggoner
Kern	Walker
King	Weldon
Knetsch	Winfree

Nays—50

Amos	Jones of Falls
Beckworth	Jones of Wise
Blankenship	Keith
Bond	Lankford
Bradbury	Loggins
Bridgers	McConnell
Brown	McCracken
Burton	McDonald
Carssow	McFarland
Colquitt	Metcalf
Davison of Fisher	Monkhouse
Dickison	Morris
England	Patterson of Mills
Farmer	Pope
Felty	Reed of Dallas
Fox	Roark
Graves	Ross
Hankamer	Shell
Hanna	Smith of Hopkins
Harris of Dallas	Smith of Tarrant
Harris of Dickens	Stinson
Hull	Tennant
Hyder	Thornberry
James	Wood
Johnson of Tarrant	Worley

Absent

Boyer	McKinney
Davison	Reader
of Eastland	Vale
Hoskins	

Absent—Excused

Cagle	Little
Fuchs	Powell
Gibson	Schuenemann
Keefe	Stocks
Leonard	Tennyson
Leyendecker	Westbrook

REASONS FOR VOTE

I favor the principle of repealing all State ad valorem taxes but oppose the collection of the tax to be used by the respective counties, particularly with the enormous deficit in the General Revenue and the urgent need for additional revenues for the General Fund and the Old Age Pension Fund and further that the passage of House Bill No. 158 inevitably forces us to raise revenue through a general retail sales tax. I am unalterably opposed to the retail sales tax.

COLQUITT.

I voted against House Bill 158 because it will take \$9,000,000.00 out of the General Fund. There is now a deficit of \$15,000,000.00 in the General Fund and the Governor has asked this

Legislature to raise \$12,000,000.00 which will place practically \$30,000,000.00 on the taxpayers of Texas. As I see it, it is paving the way for a general sales tax.

HARRIS of Dickens.

COMMITTEE IN REGARD TO REDISTRICTING THE STATE FOR DISTRICT COURT PURPOSES

The Speaker announced the appointment of the following Members of the Committee on Judicial Districts to investigate the necessity for, and manner of redistricting for judicial purposes: Mr. Adkins, Mr. Little and Mr. Powell.

ADJOURNMENT

On motion of Mr. Moffett, the House, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions as follows:

Commerce and Manufactures: House Bill No. 58.

Highways and Motor Traffic: House Bill No. 215; Senate Bill No. 72.

State Affairs: House Bill No. 22 and House Simple Resolution No. 78.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, January 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 100, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1937, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; said appropriation is to

pay the salaries and other expenses of the inspection work incident to the eradication of the Pink Bollworm, under the provisions of Chapter 3, Title 4, Revised Civil Statutes of Texas, 1925 known as the Pink Bollworm law, and amendments thereto, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, January 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 101, A bill to be entitled "An Act making an emergency appropriation to supplement an appropriation made by the Regular Session of the Forty-fourth Legislature for the fiscal year ending August 31, 1927, found on page 1053, Acts of the Regular Session of the Forty-fourth Legislature; said appropriation is to pay the salaries and other expenses of the inspection work incident to the eradication of the Mexican Fruit Fly, Citrus Canker, and other pests, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, January 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 153, A bill to be entitled "An Act amending Chapter 16 of the Acts of Thirty-fifth Legislature, 1917, as amended by Chapter 58 of the Acts of the Thirty-fifth Legislature, 1917, as amended by Chapter 139 of the Acts of the Thirty-seventh Legislature, 1921, relating to the creation of a Juvenile Board within certain counties of this State and prescribing the duties and powers of such board, including the appointment by it of probation officers and providing for the payment of compensation of such officers and allowing the said District Judges an additional salary, to be paid out of the general fund of such county, by adding a new Section to be known as Section 1A and pro-

viding for the establishment of a Juvenile Board in counties having a population of sixty thousand and one and not more than ninety thousand according to the preceding Federal Census, and containing a city of fifty thousand or more, according to the preceding Federal Census; providing for the compensation of the members of said Board, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, January 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 162, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, January 29, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 165, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, giving additional authority to the Commissioners Court in certain counties relative to the compensation or salary to be paid county auditors in such counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,
Austin, Texas, January 29, 1937.
Hon. R. W. Calvert, Speaker of the
House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 245, A bill to be entitled
"An Act to declare a closed season on
the killing of deer and turkey in
Throckmorton and Shackelford Coun-
ties for a period ending February 1st,
1941; prescribing a penalty therefor,
and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

THIRTEENTH DAY

(Tuesday, February 2, 1937)

The House met at 10:00 o'clock a.
m., pursuant to adjournment, and
was called to order by Speaker Calvert.

The roll of the House was called,
and the following Members were
present:

Mr. Speaker	England
Adkins	Farmer
Alexander	Felty
Alsup	Fielden
Amos	Fox
Baker	Graves
Bates	Hamilton
Beckworth	Hankamer
Bell	Hanna
Blankenship	Harbin
Boethel	Hardin
Bond	Harper
Boyer	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Harris of Dickens
Bridgers	Hartzog
Broadfoot	Heflin
Brown	Herzik
Burton	Holland
Callan	Hoskins
Carssow	Huddleston
Cathey	Hull
Celaya	Hyder
Cleveland	Jackson
Colquitt	James
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Johnson
Davison of Fisher	of Tarrant
Davisson	Jones of Angelina
of Eastland	Jones of Atascosa
Dean	Jones of Falls
Derden	Jones of Wise
Dickison	Keith
Dollins	Kelt

Kenyon	Ragsdale
Kern	Reader
King	Reed of Bowie
Knetsch	Reed of Dallas
Langdon	Rhodes
Lankford	Riddle
Lanning	Roark
Leath	Ross
Leonard	Russell
Loggins	Rutta
London	Settle
Lucas	Sewell
Mann	Sharpe
Mauritz	Shell
Mays	Simpson
McConnell	Skaggs
McCracken	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McKee	Smith of Tarrant
McKinney	Stevenson
Metcalf	Stinson
Moffett	Stocks
Monkhouse	Talbert
Morris	Tarwater
Morse	Tennant
Newton	Thornberry
Nicholson	Thornton
Oliver	Vale
Palmer	Waggoner
Patterson of Mills	Walker
Patterson	Weldon
of Travis	Winfree
Petsch	Wood
Pope	Worley
Prescott	

Absent—Excused

Cagle	Leyendecker
Deglandon	Little
Fuchs	Powell
Gibson	Quinn
Harrell	Schuenemann
Howard	Tennyson
Keefe	Westbrook

A quorum was announced present.

Rev. George W. Coltrin, Chaplain,
offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were
granted leaves of absence on account
of illness:

Mr. Keefe for today, on motion of
Mr. Jones of Wise.

Mr. Cagle for today, on motion of
Mr. Derden.

Mr. Tennyson for today, on motion
of Mr. Smith of Hopkins.

Mr. Howard for today, on motion of
Mr. Davisson of Eastland.